

E-Filed 4/20/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KIM HA VU, et al.,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK FA, et al.,

Defendants.

Case Number 5:10-cv-04000 JF/PSG

ORDER¹ ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
FOR FAILURE TO PROSECUTE

Plaintiff filed the complaint in this action on September 7, 2010. However, Plaintiff did not appear for scheduled case management conferences on November 23, 2010 and January 4, 2011. On February 16, 2011, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. Plaintiff failed to respond to the order. On March 14, 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a United States District Judge, recommending that the case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). No party has objected to the recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and Civil L.R. 72-3, this Court concurs with and adopts in its entirety Judge Grewal's Report and Recommendation. Accordingly, the action will be dismissed for failure to prosecute. The Clerk shall enter judgment and close the file.

¹ This disposition is not designated for publication and may not be cited.

IT IS SO ORDERED.

DATED: April 20, 2011


JEREMY FOGEL
United States District Judge

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk,
United States District Court, Northern District of California.

On April 20, 2011, I served a true and correct copy of the attached document to each of
the persons hereinafter listed by placing said copy in a postage paid envelope and depositing said
envelope in the United States mail, or by placing said envelope in the outgoing mail delivery
receptacle located in the Clerk's Office:

Kim Ha Vu
18900 Newsom Avenue
Cupertino, CA 95014

Huy Vu
18900 Newsom Avenue
Cupertino, CA 95014

DATED: April 20, 2011

For the Court
Richard W. Weiking, Clerk

By: _____/s/
Diana Munz
Courtroom Deputy Clerk